

# General Information on Filing a PC1203.4 Petition Petition for Withdrawal of Plea

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**Certain criminal records may be eligible for relief under Penal Code 1203.4 once the conditions of probation have been fulfilled. Persons wishing to see if their record is eligible for relief should read the criteria in the code, which can be found at the law library or by accessing web site [www.legalinfo.ca.gov/](http://www.legalinfo.ca.gov/).**

1. Complete all applicable sections of the PETITION AND ORDER FOR WITHDRAWAL OF PLEA AND DISMISSAL (PC1203.4 or PC1203.4a Petition.)
2. Make three copies of the completed petition. (One original plus three copies.)
3. Before filing the original document with the Court, a copy must be served upon the District Attorney by someone who is not a party to this action. A PROOF OF SERVICE form is attached and must be filed with the Court.
4. File the original Petition plus two copies, the completed Proof of Service form and a self addressed, stamped envelope with the Court.
5. There is a \$25.00 filing fee, per action, which is non-refundable.
6. Once the Petition is filed with the Court, there is a 15-day waiting period, allowing the District Attorney's office time to review and respond to the Petition. Once the waiting period has passed, the Petition is reviewed by the judge and a decision is made.
7. You will be notified by mail of the Court's decision. The Court will notify all appropriate agencies if the Petition is granted.

**Please make sure the Court has your current address on file.**

Should you have any questions, please contact the San Luis Obispo County Superior Court. Office hours are Monday through Friday, 8:30 a.m. to 4:00 p.m.

San Luis Obispo branch:	1050 Monterey St., Room 220	(805) 781-5670
Paso Robles branch:	549 10th Street	(805) 237-3080
Grover Beach branch:	214 South 16 Street	(805) 473-7072

<b>Superior Court of California, County of San Luis Obispo</b> <input type="checkbox"/> <b>San Luis Obispo Branch</b> , County Government Center, 1050 Monterey Street, Room 220, San Luis Obispo, CA 93408 <input type="checkbox"/> <b>Grover Beach Branch</b> , 214 South 16th Street, Grover Beach, CA 93433 <input type="checkbox"/> <b>Paso Robles Branch</b> , 549 10th Street, Paso Robles, CA 93446		FOR COURT USE ONLY
<div style="text-align: center;"><b>THE PEOPLE OF THE STATE OF CALIFORNIA</b></div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;">           Name: _____            DOB: _____         </div> <div style="width: 45%; text-align: right;">           Plaintiff,             vs.             Defendant,         </div> </div>		
<b>PETITION AND ORDER FOR WITHDRAWAL OF PLEA AND DISMISSAL</b>	<div style="border: 1px solid black; text-align: center; margin-bottom: 2px;">PC 1203.4</div> <div style="border: 1px solid black; text-align: center;">PC 1203.4a</div>	

On (Date) \_\_\_\_\_, the defendant was convicted of the misdemeanor offense  
 of Section(s) \_\_\_\_\_.

The defendant:

- ☐ is not serving a sentence for any offense, is not on probation for any offense, and is not charged with the commission of any offense.
- ☐ has fulfilled the conditions of probation for the entire period thereof.
- ☐ has been discharged from probation prior to the termination of the period thereof.
- ☐ 1203.4a No probation was granted; more than one year has elapsed since the pronouncement of judgment; the sentence of the court has been complied with; and since pronouncement of judgment, the defendant has lived an honest and upright life and obeyed the laws of the land.

Petitioner requests that defendant be permitted to withdraw his/her plea of guilty or plea of nolo contendere or that the verdict or finding of guilt be set aside and that a plea of not guilty be entered and that the court dismiss the accusations of information pursuant to provisions of Section 1203.4/1203.4a of the Penal Code.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on (Date) \_\_\_\_\_ at (city) \_\_\_\_\_ California.

Deputy Probation Officer	Defendant's Signature
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- ☐ Petition denied.
- ☐ Petition granted. It appearing to the court from the records in this case, and from the foregoing petition, that the defendant is eligible for the relief provided by Section 1203.4/1203.4a of the Penal Code of California, it is ordered that the guilty/nolo contendere plea/verdict/finding of guilt be set aside and a plea of not guilty be entered. The accusation or information is dismissed pursuant to provisions of Section 1203.4/1203.4a of the Penal Code of California.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court

**Dismissal of an accusation or information pursuant to this section does not relieve a person of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office or for licensure by any state or local agency.**